**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

Public Services – Commercial Taxes Department – Surprise check conducted on 11.05.2017 on Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District - Initiation of disciplinary action against Sri Periyala Venugopala Rao, DCTO, I/c Administrative Officer - Under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Articles of charge - Issued.

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**REVENUE (VIGILANCE.II) DEPARTMENT**

**G.O.Rt.No.785** **Dated:25.07.2019**

**Read the following:-**

1. From DG,ACB, AP Lr.RC.No.28/DES-VSK/2017-S.12., dated 2-7-2019.
2. G.O.Ms.No.340, Revenue (Vigilance-II) Department, Dated 25-7-2019.

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**O R D E R :**

It is proposed to hold an enquiry against Sri Periyala Venugopala Rao, Deputy Commercial Tax Officer, I/c Administrative Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of the imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained, are also enclosed (Annexures-III &IV).

3. Sri Periyala Venugopala Rao, Deputy Commercial Tax Officer, I/c Administrative Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is directed to submit, within 10 days from the date of receipt of this order, a written statement of his defence.

4. Sri Periyala Venugopala Rao, Deputy Commercial Tax Officer, I/c Administrative Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Periyala Venugopala Rao, Deputy Commercial Tax Officer, I/c Administrative Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri Periyala Venugopala Rao, Deputy Commercial Tax Officer, I/c Administrative Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is invited to Rule 24 of the Andhra Pradesh Civil Services (conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt

Contd.,P.2

within these proceedings it will be presumed that Sri Periyala Venugopala Rao, Deputy Commercial Tax Officer, I/c Administrative Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Sri Periyala Venugopala Rao, Deputy Commercial Tax Officer, I/c Administrative Officer, Integrated Check Post, Purushottapuram, Itchapuram Mandal, Srikakulam District (w.e, Annexures-I to IV) (**through** the Chief Commissioner of State Tax, Andhra Pradesh, Eedupugallu, Vijayawada) (with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to:

The Chief Commissioner of State Tax, Andhra Pradesh, Eedupugallu, Vijayawada.

The Director General, Anti Corruption Bureau, Andhra Pradesh, P.N.Bus Station, NR Administrative Block, 2nd Floor, Vijayawada.

The file.

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SECTION OFFICER

**ANNEXURE-I**

**STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI PERIYALA VENUGOPALA RAO S/O ANANTHAYYA, DEPUTY COMMERCIAL TAX OFFICER, AGE 47 YRS, I/C ADMINISTRATIVE OFFICER, INTEGRATED CHECK POST, PURUSHOTTAPURAM, ICHAPURAM MANDAL, SRIKAKULAM DISTRICT IN SC.No.2/SC-ACB/SKL/2017 SRIKAKULAM RANGE.**

Sri Periyala Venu Gopala Rao S/o Ananthayya Periyala, Deputy Commercial Tax Officer I/C Administrative Officer, Integrated Check Post, Purushottapuram joined in Government Service on 09-02-2001 as Assistant Commercial Tax Officer in the O/o Commercial Tax Office, Srikakulam in Commercial Tax department. He was promoted as Deputy Commercial Tax Officer on 08-01-2010 and worked at O/o Commercial Tax Office, Gajuwaka circle, Visakahapatnam. Later he was transferred to O/o the Administrative Office, Integrated Check Post, Purushottapuram and worked from 23.03.2017. Sri Periyala Venu Gopala Rao, while functioning as Deputy Commercial Tax Officer he has committed grave misconduct in as much as.

**CHARGE-01:-**

That Sri Periyala Venugopalarao, Deputy Commercial Tax Officer, Incharge Administrative Officer, Integrated check post, Purushottapuram, Ichapuram failed to supervise the work turned out by his sub-ordinates and allowed them to routinely collect mamools/bribe from the vehicle drivers/cleaners passing through the check post by engaging many private persons/brokers and holding a supervisory post failed to take all possible steps to ensure the integrity and devotion to duty of the Government servant under his control and authority.

Thus Sri P.Venu Gopala Rao, Deputy Commercial Tax Officer, I/c Administrative Officer, Integrated Check Post, Ichapuram, by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3(1) & (2) and 3 (5) of Andhra Pradesh Civil Services (Conduct) Rules,1964.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER

**ANNEXURE-II**

**STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SRI PERIYALA VENUGOPALARAO S/O ANANTHAYYA, DEPUTY COMMERCIAL TAX OFFICER, AGE 47 YRS, I/c ADMINISTRATIVE OFFICER, INTEGRATED CHECK POST, PURUSHOTTAPURAM, ICHAPURAM MANDAL, SRIKAKULAM DISTRICT IN SC.No.2/SC-ACB/SKL/2017 OF SRIKAKULAM RANGE.**

Sri Periyala Venugopalarao S/o Ananthayya Periyala, Deputy Commercial Tax Officer I/c Administrative Officer, Integrated Check Post, Purushottapuram is native of Donkalapartha, Burja mandal, Srikakulam district. His date of birth is 06.06.1971. He joined in Government Service on 09-02-2001 as Assistant Commercial Tax Officer in the O/o Commercial Tax Office, Srikakulam in Commercial Tax department. He was promoted as Deputy Commercial Tax Officer on 08-01-2010 and worked at O/o Commercial Tax Office, Gajuwaka circle, Visakahapatnam. Later he was transferred to O/o the Administrative Office, Integrated Check Post, Purushottapuram and he worked as such from 23.03.2017. He is drawing basic pay of Rs.48,600/- and he attains the age of superannuation on 30.06.2031 (Here in after called as government Servant).

That on credible information that the employees of Integrated Check Post, Purushottapuram, Ichapuram, Srikakulam District were abusing their official positions and habitually indulging in corrupt practices by collecting illegal gratification directly and also through un authorized agents (private persons) from the crew members/owners of the vehicles, passing through the check post and allowing those vehicles to pass through the check post without conducting physical verification of the vehicles, connected records of the goods being transported and of those vehicles and thereby causing pecuniary advantage for themselves and pecuniary loss to the Government exchequer.

During the proceedings, the surprise check party took control of three private persons i.e. Sri Saggu Santha Rao who was found present at Incoming and Outgoing counter of Commercial Taxes Department, Sri Neyyal Prakash who was found present at Forest Counter of Forest Department and Sri Nandika Chinna who was found present at counter of Agricultural Market Committee while they were collecting mamools from the crew members on behalf of the employees of the check post. On physical verification of the three private persons, cash of Rs.6,200/-, Rs.5,400/- and Rs.3,100/- was found in their possession respectively, Total of Rs.14,700/- seized from their possession for further enquiry. During the surprise check, the Deputy Superintendent of Police questioned about their presence and possession of cash, they stated that they were engaged by the officials of Commercial Taxes Department, Forest Department and Agricultural Market Committee of the check post to collect mamools from the crew members / owners of the vehicles (which were passing through the check post) for stamping their records and for issuing transit passes etc. without physically verifying the vehicles and goods being transported. They would collect the bribe amounts from crew members/owners of the vehicles @ Rs.200/- to Rs.500/- for the officials of commercials taxes department, forest department and Agricultural market committee. They would take Rs.10/- of the collected bribe amount and handover the remaining bribe amounts to the officials. In turn, the staff members of the check post stamping the vehicular records in a routine manner without physical verification of the vehicles and without scrutinizing the records of the vehicles. They also stated that many private agents were working on behalf of the officials of the check post for collection of bribe amounts and lot of those private agents ran away when the Anti Corruption Bureau officials of Anti Corruption Bureau entered into the check post premises. They did not know the details of the other private persons. The

Contd.,P.2

drivers/cleaners who are passing through the check post were examined and they corroborated with the version of the private agents. The statements of the private persons, drivers/cleaners were recorded.

When the Deputy Superintendent of Police asked the Government Servant to produce the attendance register, duty register and personal cash declaration register of the check post, he produced duty register, attendance register and personal cash declaration register. The Deputy Superintendent of Police verified the personal cash register maintained in the check post and noted the irregularities in the proceedings.

During course of proceedings, it is observed that the drivers/crew members, who are coming for stamping on their documents, as a routine, giving bribes ranging from Rs.200/- to Rs.500/- at Commercial Taxes Department counter and an amount of Rs.24,700/- was collected at the counter of incoming & outgoing counter of Commercial Tax Department from 5 AM to 6.00 AM, was seized by the Deputy Superintendent of Police for their enquiry.

On questioning by the Deputy Superintendent of Police about the duties of the check post officials, the Government Servant Sri P.Venugopalarao, Deputy Commercial Tax Officer stated that the check post officials are supposed to check each and every vehicle and its contents passing through the check post as to whether they are carrying valid documents to that effect and to find out the violations made by them under M.V.Act, 1988 and rules, VAT Act, 2005 and Central Sales Tax Act, 1980, AP Market Act, 1966, Forest Act and Excise Act etc., and collect the tax dues and fine amounts, Licensing and market fee accordingly, On observation, it is found that they are allowing the vehicles to pass through the check-post without being subjected for check and there by abusing their official position and collecting bribes and causing huge loss to the Government exchequer.

The evidence on record is sufficient to prove the Government servant failed to supervise the work turned out by his sub-ordinates and allowed them to routinely collect mamools/bribe from the vehicle drivers/cleaners passing through the check post by engaging many private persons/brokers. The private persons who were caught from the check post during the surprise check admitted before the mediators that they were engaged by the officials of Commercials Tax Department, Forest Department, and Agricultural Market Committee of the check post to collect mamools from the crew members / owners of the vehicles (which were passing through the check post) for stamping their records and for issuing transit passes etc. without physically verifying the vehicles and goods being transported. An unaccounted amount of Rs.24,660/- was seized from the aforesaid private persons and an unaccounted amount of Rs.24,700/- was seized from the incoming & outgoing counters of commercial Taxes Dept during the surprise check. The Surprise check team including the mediators observed that drivers/crew members, who were coming for stamping on their records were routinely giving bribe ranging from Rs.200/- to Rs.500/- at commercial Tax Dept counter for each vehicle. The drivers of some of the vehicles passing through the check post stated before the mediators that they would regularly pay bribes ranging from Rs.200/- to Rs.500/- to the staff of the counters of Commercial tax department, Agricultural Market committee and Forest Department or their unauthorized agents (private persons) and then the staff would affix the stamp on the way bills of their vehicle without physically verifying the goods being transported and the vehicles and vehicle records pertaining to them. The surprise check also revealed that none of the 04 CC cameras were in working condition, the server of the CC cameras was not working and the

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weigh bridge which was commissioned long back was also not working and all these again revealed gross negligence of duty and absolute lack of monitoring of the check post by Sri P. Venugopala Rao, Deputy Commercial Tax Officer & I/c Administrative Officer.

Thus the Government servant by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government servant and thereby contravened Rule 3(1) (2) & (5) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

The Government Servant has therefore rendered himself liable to place him on his defense before the Commissioner of Inquiries (COI) for violation of Rule 3(1) (2) and 3 (5) of Andhra Pradesh Civil Services (Conduct) Rules, 1964 for major penalty.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER

**ANNEXURE-III**

**LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI PERIYALA VENUGOPALARAO S/O ANANTHAYYA, DEPUTY COMMERCIAL TAX OFFICER, AGE 47 YRS, O/o ADMINISTRATIVE OFFICER, INTEGRATED CHECK POST, PURUSHOTTAPURAM, ICHAPURAM MANDAL, SRIKAKULAM DISTRICT ARE PROPOSED TO BE SUSTAINED.**

**DOCUMENTARY EVIDENCE:-**

| | |
|---|---|
| 1 | Original mediators report dated on 11-05-2017 from 4.15 AM to 6.45 AM drafted at ICP, Purushottapuram, Itchapuram. |
| 2 | Attendance register. |
| 3 | Duty Register maintained from 10-03-2017 to 10-05-2017. |
| 4 | Duty Roster Sheet. |
| 5 | Personal Cash Declaration Register of CT Department maintained from 10-03- 2017 to 10-05-2017. |
| 6 | Statement of Sri Suggu Santharao S/o late Balaji, 51 yrs, Reddy by caste, Purushottapuram Colony, Ichapuram, Srikakulam. |
| 7 | Statement of Sri Neyyala Prakash S/o Arjuna, 49 yrs, Neyyala by caste, Mandapalli, Ichapuram, Srikakulam. |
| 8 | Statement of Sri Nandika Chinna S/o late Ramulu, 31 yrs, Purushottapuram, Ichapuram, Srikakulam Dist. |
| 9 | Statement of Sri Rampuri Suvarna raju S/o late Laxmayya, 47 yrs, Sivalayam Street, Near Venkateswarara Colony, Kothapeta, Nujuveedu, Krishna Dist. |
| 10 | Statement of Sri Sanjapogu Srinu S/o late Yerranna, 38 yrs, HC.No.22-41 E, &, Sangayyapeta, Nandikotluru, Kurnool Dist. Driver of lorry AP 16 TH 1791. |
| 11 | Statement of Sri Pinjari Siddayya S/o Hussain, 52 yrs, H.No.22-77-1, Near water tank, Pagidala road, Nandikotkuru, Kurnool Dist. Driver of lorry AP 16 TG 2988. |
| 12 | Statement of Sri Dovvari Ramu S/o Nakuludu, SC mala by caste Singhnagar, Vambe Colony, C-1 Block, TF-4, Vijayawada, Driver of lorry AP 36 Y 9698. |
| 13 | Reply from DC (CT), Vizianagaram in C.No. DC, VZM, PS:Ref.No.159/2017, A1, dated 22-06-2017. |
| 14 | If any document required, will be submitted. |

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER

**ANNEXURE – IV**

**LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SRI PERIYALA VENUGOPALARAO S/O ANANTHAYYA, DEPUTY COMMERCIAL TAX OFFICER, AGE 47 YRS, O/o ADMINISTRATIVE OFFICER, INTEGRATED CHECK POST, PURUSHOTTAPURAM, ICHAPURAM MANDAL, SRIKAKULAM DISTRICT ARE PROPOSED TO BE SUSTAINED.**

**ORAL EVIDENCE:-**

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|---|---|
| 1 | Sri Bommana Ravikumar S/o Nagaraju, 48 yrs, Addl. Assist. Engineer, APEPDCL, Srikakulam, R/o Plot No.15, Second lane, PN colony, Srikakulam. |
| 2 | Sri Mallavarapu Venkata Sudhakara Rao, S/o Chiranjeevi, 37 yrs, Junior Assistant, APEPDCL, Srikakulam, R/o D.No.2-5-156, Illisipuram, Srikakulam.<br>LW-1 & 2 speak about their presence as official mediators at the time of surprise check conducted on the integrated check post and observation of happenings at the check post and preparation of the proceedings etc facts. |
| 3 | Sri Suggu Santharao, S/o late Balaji, 51 yrs, Reddy by caste, Purushottapuram Colony, Ichapuram, Srikakulam |
| 4 | Sri Neyyala Prakash S/o Arjuna, 49 yrs, Neyyala by caste, Mandapalli, Ichapuram, Srikakulam. |
| 5 | Sri Nandika Chinna S/o late Ramulu, 31 yrs, Purushottapuram, Ichapuram, Srikakulam Dist.<br>LW-3 to 5 speak that they are private persons engaged by the officials of ICP, Purushottapuram for collecting mamools from the transport crew for stamping on the papers of the vehicles that are being passed through the check post without verifying the records and goods of the vehicles. |
| 6 | Sri Rampuri Suvarna Raju, S/o late Laxmayya, 47 yrs, Sivalayam Street, Near Venkateswarara Colony, Kothapeta, Nujuveedu, Krishna Dist. |
| 7 | Sri Sanjapogu Srinu S/o late Yerranna, 38 yrs, HC.No.22-41 E, &, Sangayyapeta, Nandikotluru, Kurnool Dist. Driver of lorry AP 16 TH 1791. |
| 8 | Sri Pinjari Siddayya S/o Hussain, 52 yrs, H.No.22-77-1, Near water tank, Pagidala road, Nandikotkuru, Kurnool Dist. Driver of lorry AP 16 TG 2988. |
| 9 | Sri Dovvari Ramu S/o Nakuludu, SC mala by caste Singhnagar, Vambe Colony, C-1 Block, TF-4, Vijayawada, Driver of lorry AP 36 Y 9698.<br>LW-6 to 9 speak that they are crew members and the check post officials used to demand them to pay bribe/mamools and also speaks about collection of mamools by the private persons ranging from Rs.200/- to Rs.500/- to the staff of the CT dept, Agricultural market committee officials, whose vehicles are passing through the ICP without causing any undue obstructions in verification of their vehicle records, permits and other documents. |
| 10 | Sri N.Srinivasa Rao, Deputy Commissioner, Commercial Taxes, Vizianagaram.<br>He speaks that he furnished the service particulars of the officials of the check post, ICP, Itchapuram, functioning of the check post, nature of the duties and job chart of the officials of the check post. |
| 11 | Sri K.Rajendra rao, Deputy Superintendent of Police, ACB, Srikakulam Range.<br>He speaks to the fact of his supervision of surprise check conducted on the Integrated check post, Purushottapuram, Itchapuram and observations on the happening at the counters of check post, about the collection of mamools by the officials of check post from the transport drivers, apprehension of the private persons, seizure of amount, relevant documents and registers during the proceedings. |

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|---|---|
| 12 | Sri P.Srinivas Rao, Inspector of police, ACB, Srikakulam Range.<br>He speaks to the facts of his assisting the DSP, ACB during the surprise check and observations on the happening at the counters of check post and obtained required information from concerned department and submitted the detailed report to the HO. |

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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